

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Bernadine Babien Avila

Write the full name of each plaintiff.

**20 CV 2281**

(Include case number if one has been assigned)

-against-

Hilton Grand Vacations

Do you want a jury trial?

☒ Yes ☐ No

*or mediation*

Write the full name of each defendant. The names listed above must be identical to those contained in Section I.

**EMPLOYMENT DISCRIMINATION COMPLAINT**

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

RECEIVED  
SDNY PRO SE OFFICE  
2020 MAR 13 PM 12:14

**I. PARTIES****A. Plaintiff Information**

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

Bernadine B. AVILA  
 First Name Middle Initial Last Name  
 314 Sutton Place  
 Street Address  
 Norwood NJ 07640  
 County, City State Zip Code  
 917-334-7463 Babiensstar@hotmail.com  
 Telephone Number Email Address (if available)

**B. Defendant Information**

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant 1: Hilton Grand Vacations  
 Name  
 Address where defendant may be served  
 1350 Ave of the Americas  
 County, City State Zip Code  
 NEW YORK 10019

Defendant 2:  
 Name  
 Address where defendant may be served  
 County, City State Zip Code

Defendant 3:

Hilton Grand Vacations (Hilton Hotel)  
 Name  
1350 Ave of the Americas  
 Address where defendant may be served  
N.Y.C. N.Y. 10019  
 County, City State Zip Code

**II. PLACE OF EMPLOYMENT**

The address at which I was employed or sought employment by the defendant(s) is:

Hilton  
 Name  
1350 Ave of the Americas  
 Address  
N.Y.C. 10019  
 County, City State Zip Code

**III. CAUSE OF ACTION****A. Federal Claims**

This employment discrimination lawsuit is brought under (check only the options below that apply in your case):

- ☐ **Title VII of the Civil Rights Act of 1964**, 42 U.S.C. §§ 2000e to 2000e-17, for employment discrimination on the basis of race, color, religion, sex, or national origin

The defendant discriminated against me because of my (check only those that apply and explain):

- ☐ race: \_\_\_\_\_
- ☐ color: \_\_\_\_\_
- ☐ religion: \_\_\_\_\_
- ☐ sex: \_\_\_\_\_
- ☐ national origin: \_\_\_\_\_

- ☐ 42 U.S.C. § 1981, for intentional employment discrimination on the basis of race

My race is: \_\_\_\_\_

- ☒ **Age Discrimination in Employment Act of 1967**, 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)

I was born in the year: 1955

- ☐ **Rehabilitation Act of 1973**, 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance

My disability or perceived disability is: \_\_\_\_\_

- ☐ **Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability

My disability or perceived disability is: \_\_\_\_\_

- ☒ **Family and Medical Leave Act of 1993**, 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons

**B. Other Claims**

In addition to my federal claims listed above, I assert claims under:

- ☒ **New York State Human Rights Law**, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status

- ☒ **New York City Human Rights Law**, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status

- ☒ Other (may include other relevant federal, state, city, or county law):

FMLA

**IV. STATEMENT OF CLAIM****A. Adverse Employment Action**

The defendant or defendants in this case took the following adverse employment actions against me (check only those that apply):

- ☐ did not hire me
- ☒ terminated my employment
- ☐ did not promote me
- ☐ did not accommodate my disability
- ☐ provided me with terms and conditions of employment different from those of similar employees
- ☐ retaliated against me
- ☐ harassed me or created a hostile work environment
- ☐ other (specify): when I was on FMLA

Aug 25 - Feb 12 2019 I was  
2018

**B. Facts**

State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) *because of* your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.

-fired on Dec 31  
due to new  
mngmt.

They terminated my employment on Dec 31 along with my  
colleague Cheryl [unclear] for "production". I send in  
the required number of hours going & speeding / over the minimum  
But they were not counted due to lateness of 1 on New Years  
from police barriers & the other four staying five  
under 90 minutes even though they told me I was fine

As additional support for your claim, you may attach any charge of discrimination that you filed with the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, or any other government agency.

I was also let go under  
protection of FMLA

made my  
numbers!  
2 hours before

**V. ADMINISTRATIVE PROCEDURES**

For most claims under the federal employment discrimination statutes, before filing a lawsuit, you must first file a charge with the U.S. Equal Employment Opportunity Commission (EEOC) and receive a Notice of Right to Sue.

Did you file a charge of discrimination against the defendant(s) with the EEOC or any other government agency?

☒ Yes (Please attach a copy of the charge to this complaint.)

*See attached*

When did you file your charge? \_\_\_\_\_

☐ No

Have you received a Notice of Right to Sue from the EEOC?

☒ Yes (Please attach a copy of the Notice of Right to Sue.)

What is the date on the Notice?

*Dec 2019 See attached*

When did you receive the Notice?

*Jan 2, 2020*

☐ No

**VI. RELIEF**

The relief I want the court to order is (check only those that apply):

☐ direct the defendant to hire me

☐ direct the defendant to re-employ me

☐ direct the defendant to promote me

☐ direct the defendant to reasonably accommodate my religion

☐ direct the defendant to reasonably accommodate my disability

☒ direct the defendant to (specify) (if you believe you are entitled to money damages, explain that here)

*yes I believe I was fired unjustly and I was protected by FMLA at the*

*time and due to age discrimination.*

*I have been struggling financially since this happened. I was out of work for 4 months*

*I am working now for Marriott but making 20,000 + less because of a different commission scale and also due to Coronavirus cancellations*

Littler Mendelson, PC  
900 Third Avenue  
New York, NY 10022.3298

Rina Bersohn  
212.471.4410 direct  
212.583.9600 main  
rbersohn@littler.com

December 6, 2019

**VIA E-MAIL (DOLANDA.YOUNG@EEOC.GOV)**

Dolanda Young  
*Investigator*  
New York District Office  
U.S. Equal Employment Opportunity Commission  
33 Whitehall Street, 5th Floor  
New York, NY 10004

Re: Bernadine Babien-Avila v. Hilton Grand Vacations  
Charge No.: 520-2019-02669

Dear Ms. Young:

This letter and the attached documentation constitute the Statement of Position of Respondent Hilton Grand Vacations (“HGV”)<sup>1</sup> in response to the Charge of Discrimination (“Charge”) filed by its former employee Bernadine Babien-Avila (“Ms. Avila”).<sup>2</sup> In her Charge, Ms. Avila alleges that she experienced age and disability discrimination. As set forth in further

---

<sup>1</sup> The entity that employed Ms. Avila is Hilton Resorts Corporation. Although HGV is referenced herein, Hilton Resorts Corporation was Ms. Avila’s employer.

<sup>2</sup> The information and supporting documentation submitted herewith, and that which may be submitted hereafter, are strictly confidential. Such information and documentation shall not be used for any purpose other than the resolution of the current Charge and shall not be disseminated to any person without HGV’s prior written approval. *See* 42 U.S.C. §§ 2000e-5(b), 2000e-8(e); 29 C.F.R. §§ 1601.22, 1601.26; and 56 Fed. Reg. 10847. In addition, this response is based upon our understanding of the facts and the information reviewed thus far. Although there has not been an opportunity for formal discovery or a complete formal investigation, this response is submitted for the purpose of aiding the EEOC in its investigation and facilitating the informal resolution of this matter. This response, while believed to be accurate, does not constitute an affidavit or a binding statement of HGV’s legal position, nor is it intended to be used as evidence of any kind in any administrative or court proceeding in connection with Ms. Avila’s allegations. Because additional facts likely would be uncovered through discovery or following a full investigation, HGV in no way waives its right to present new or additional information. Moreover, by responding to the Charge, HGV does not waive, and hereby preserves, any and all substantive and procedural defenses that may exist to the Charge and to Ms. Avila’s allegations. HGV requests that any efforts to contact its current employees be directed to its counsel.



Ms. Dolanda Young  
December 6, 2019  
Page 2

detail below, Ms. Avila's allegations are entirely without merit, and thus, HGV respectfully requests that the EEOC dismiss Ms. Avila's Charge.

## **I. FACTUAL BACKGROUND**

### **A. HGV's Operations**

HGV is an Orlando, FL-based developer and sales agent for timeshare interests. HGV, through Hilton Resorts Corporation, employs marketing associates who work out of various Hilton properties; their objective is to sell timeshare interests to current hotel guests. Marketing associates must meet certain monthly sales goals; if they fail to meet those goals, then they are subject to discipline, up to and including termination. Periodically, some marketing associates, including Ms. Avila, have been terminated due to their repeated failure to achieve their sales goals and for no other reason.

### **B. HGV's Relevant Policies**

HGV is an equal opportunity employer and expressly prohibits discrimination and harassment on the basis of sex, color, race, religion, national origin, age, disability, veteran status, sexual orientation, gender identity, or any other category protected by law. Any employee who believes that s/he has witnessed or experienced discrimination or harassment based on protected group status must report the matter either to Human Resources or to his or her department head. Employees are assured that they will not be retaliated against for either filing a discrimination or harassment complaint or for participating in the investigation of same. Copies of HGV's equal employment opportunity and anti-harassment policies, which are contained in its Team Member Handbook, as well as Hilton Worldwide's Harassment and Violence Free Workplace Policy ("Policy") are attached hereto as **Exhibit A**. Ms. Avila acknowledged in writing that she had received a copy of the Policy, that she had reviewed it, and that she understood it. Copies of the Acknowledgment Form confirming Ms. Avila's receipt of the Policy as well as an Acknowledgement of Receipt of Team Member Handbook, both of which were executed by Ms. Avila, are attached as **Exhibit B**.

### **C. Ms. Avila's Employment with HGV**

#### **1. General Information**

Ms. Avila worked for HGV as an in property contact ("IPC") marketing executive from August 2012 until December 31, 2018. In this role, she was primarily responsible for booking Hilton guests to attend HGV timeshare presentations and for selling such guests mini-vacation packages to HGV resorts. A certain percentage of those individuals whom she scheduled to attend timeshare presentations had to actually attend those presentations in order for her to receive "show



**VII. PLAINTIFF'S CERTIFICATION**

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

March 12 2020 Bernadine Babien Anli  
 Dated Plaintiff's Signature  
Bernadine Babien Anli  
 First Name Middle Initial Last Name  
314 Sutton Place  
 Street Address  
Norwood NT 07648  
 County, City State Zip Code  
917-334-7463 Babienstar@hotmail.com  
 Telephone Number Email Address (if available)

I have read the attached Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.



United States District Court  
Southern District of New York

## Pro Se (Nonprisoner) Consent to Receive Documents Electronically

Parties who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER<sup>1</sup> at [www.pacer.uscourts.gov](http://www.pacer.uscourts.gov) or 1-800-676-6856;
2. Complete and sign this form.

If you consent to receive documents electronically, you will receive a Notice of Electronic Filing by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one "free look" at the document by clicking on the hyperlinked document number in the e-mail.<sup>2</sup> Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time that the hyperlink is accessed after the first "free look" or the 15 days, you will be asked for a PACER login and may be charged to view the document. For this reason, *you should print or save the document during the "free look" to avoid future charges.*

### IMPORTANT NOTICE

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 5.2, and the Court's Electronic Case Filing Rules & Instructions, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail;
2. If you do not view and download your documents during your "free look" and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the documents;
3. This service does *not* allow you to electronically file your documents;
4. It will be your duty to regularly review the docket sheet of the case.<sup>3</sup>

<sup>1</sup> Public Access to Court Electronic Records (PACER) ([www.pacer.uscourts.gov](http://www.pacer.uscourts.gov)) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

<sup>2</sup> You must review the Court's actual order, decree, or judgment and not rely on the description in the email notice alone. See ECF Rule 4.3

<sup>3</sup> The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk's Office at the Court.

500 PEARL STREET | NEW YORK, NY 10007  
300 QUARROPAS STREET | WHITE PLAINS, NY 10601

PRO SE INTAKE UNIT: 212-805-0175

Visit **ups.com**® or call **1-800-PICK-UPS**® (1-800-742-5877) to schedule a pickup or find a drop off location near you.

#### Domestic Shipments

- To qualify for the letter rate, UPS correspondence, urgent documents weigh 8 oz. or less. UPS Express those listed or weighing more than 8 oz.

#### International Shipments

- The UPS Express Envelope may value. Certain countries consider ups.com/importexport to verify

- To qualify for the letter rate, the UPS Express Envelopes weighing

**Note:** Express Envelopes are not for containing sensitive personal info or cash equivalent.

## Window Envelope

Use this envelope with shipping documents printed from a laser or inkjet printer on plain paper.

151 13.00N 22P 450 83.5V 12/2019

RECEIVED  
SDNY PRO SE OFFICE

2020 MAR 13 PM 12:15

BILLING: P/P

UPS NEXT DAY AIR

TRACKING #: 1Z A0V 546 01 6910 7890 1

NEW YORK NY 10007-1316

SHIP ATTN: PRO SE UNIT  
TO: U.S. COURT HOUSE  
500 PEARL ST.  
CLOSTER NJ 07624-3116

THE UPS STORE #2918  
570 PIERMONT RD.  
(917) 394-7463

BABEN AVILA

SHIP DATE: MAR 12 2020  
SHIP TIME: 1:17 PM

0 3 155 L TR 1 OF 1

NY 10007-1316

2020 MAR 13 PM 12:15

SE OFFICE

Insert shipping documents  
under window from the top

UPS Next Day Air®  
UPS Worldwide Express®  
UPS 2nd Day Air®

Serving you for more than 100 years  
United Parcel Service.





CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

*Bernadine Babren Avila*

DEFENDANTS

*Hi Hm Grand Vacations*

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

*N/A*

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT

- ☐ 110 INSURANCE
- ☐ 120 MARINE
- ☐ 130 MILLER ACT
- ☐ 140 NEGOTIABLE INSTRUMENT
- ☐ 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- ☐ 151 MEDICARE ACT
- ☐ 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)
- ☐ 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS
- ☐ 160 STOCKHOLDERS SUITS
- ☐ 190 OTHER CONTRACT
- ☐ 195 CONTRACT PRODUCT LIABILITY
- ☐ 196 FRANCHISE

PERSONAL INJURY

- ☐ 310 AIRPLANE
- ☐ 315 AIRPLANE PRODUCT LIABILITY
- ☐ 320 ASSAULT, LIBEL & SLANDER
- ☐ 330 FEDERAL EMPLOYERS' LIABILITY
- ☐ 340 MARINE
- ☐ 345 MARINE PRODUCT LIABILITY
- ☐ 350 MOTOR VEHICLE
- ☐ 355 MOTOR VEHICLE PRODUCT LIABILITY
- ☐ 360 OTHER PERSONAL INJURY
- ☐ 362 PERSONAL INJURY - MED MALPRACTICE

PERSONAL INJURY

- ☐ 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY
- ☐ 365 PERSONAL INJURY PRODUCT LIABILITY
- ☐ 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

PERSONAL PROPERTY

- ☐ 370 OTHER FRAUD
- ☐ 371 TRUTH IN LENDING

PRISONER PETITIONS

- ☐ 463 ALIEN DETAINEE
- ☐ 510 MOTIONS TO VACATE SENTENCE
- ☐ 530 HABEAS CORPUS
- ☐ 535 DEATH PENALTY
- ☐ 540 MANDAMUS & OTHER

FORFEITURE/PENALTY

- ☐ 625 DRUG RELATED SEIZURE OF PROPERTY
- ☐ 21 USC 881
- ☐ 690 OTHER

PROPERTY RIGHTS

- ☐ 820 COPYRIGHTS
- ☐ 830 PATENT
- ☐ 835 PATENT-ABBREVIATED NEW DRUG APPLICATION
- ☐ 840 TRADEMARK

LABOR

- ☐ 710 FAIR LABOR STANDARDS ACT
- ☐ 720 LABOR/MGMT RELATIONS
- ☐ 740 RAILWAY LABOR ACT
- ☒ 751 FAMILY MEDICAL LEAVE ACT (FMLA)
- ☐ 790 OTHER LABOR LITIGATION
- ☐ 791 EMPL RET INC SECURITY ACT (ERISA)

IMMIGRATION

- ☐ 462 NATURALIZATION APPLICATION
- ☐ 465 OTHER IMMIGRATION ACTIONS

BANKRUPTCY

- ☐ 422 APPEAL
- ☐ 28 USC 158
- ☐ 423 WITHDRAWAL
- ☐ 28 USC 157

SOCIAL SECURITY

- ☐ 861 HIA (1395ff)
- ☐ 862 BLACK LUNG (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID TITLE XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS

- ☐ 870 TAXES (U.S. Plaintiff or Defendant)
- ☐ 871 IRS-THIRD PARTY
- ☐ 26 USC 7609

OTHER STATUTES

- ☐ 375 FALSE CLAIMS
- ☐ 376 QUI TAM
- ☐ 400 STATE REAPPORTMENT
- ☐ 410 ANTITRUST
- ☐ 430 BANKS & BANKING
- ☐ 450 COMMERCE
- ☐ 460 DEPORTATION
- ☐ 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
- ☐ 480 CONSUMER CREDIT
- ☐ 490 CABLE/SATELLITE TV
- ☐ 850 SECURITIES/ COMMODITIES/ EXCHANGE
- ☐ 890 OTHER STATUTORY ACTIONS
- ☐ 891 AGRICULTURAL ACTS
- ☐ 893 ENVIRONMENTAL MATTERS
- ☐ 895 FREEDOM OF INFORMATION ACT
- ☐ 896 ARBITRATION
- ☐ 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
- ☐ 980 CONSTITUTIONALITY OF STATE STATUTES

REAL PROPERTY

- ☐ 210 LAND CONDEMNATION
- ☐ 220 FORECLOSURE
- ☐ 230 RENT LEASE & EJECTMENT
- ☐ 240 TORTS TO LAND
- ☐ 245 TORT PRODUCT LIABILITY
- ☐ 290 ALL OTHER REAL PROPERTY

ACTIONS UNDER STATUTES

CIVIL RIGHTS

- ☒ 440 OTHER CIVIL RIGHTS (Non-Prisoner)

441 VOTING

- ☒ 442 EMPLOYMENT
- ☐ 443 HOUSING/ ACCOMMODATIONS
- ☐ 445 AMERICANS WITH DISABILITIES - EMPLOYMENT
- ☐ 446 AMERICANS WITH DISABILITIES - OTHER
- ☐ 448 EDUCATION

PRISONER CIVIL RIGHTS

- ☐ 550 CIVIL RIGHTS
- ☐ 555 PRISON CONDITION
- ☐ 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13? IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

RECEIVED  
ON PROPOSE OFFICE  
MAR 13 PM 12:14

(PLACE AN x IN ONE BOX ONLY)

## ORIGIN

- ☐ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation (Transferred)
 ☐ 7 Appeal to District Judge from Magistrate Judge
 ☐ 8 Multidistrict Litigation (Direct File)
- ☐ a. all parties represented
 ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

## BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☐ 3 FEDERAL QUESTION
 ☐ 4 DIVERSITY
- (U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [ ] [ ]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] [ ]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [ ] [ ]
CITIZEN OF ANOTHER STATE	[X] [ ]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[X] [X]	FOREIGN NATION	[ ] [ ]

## PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Bernadine Bahen AUSA  
314 Satter Place Nanuet NY 07648  
Bergen County

## DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Hilton Grand Vacations  
1350 6 Ave  
NYC 10019

## DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

## COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☐ MANHATTAN

DATE SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

[ ] YES (DATE ADMITTED Mo. \_\_\_\_\_ Yr. \_\_\_\_\_)

Attorney Bar Code #

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)